

WIP Stakeholder Advisory Committee Meeting
Maryland Chamber of Commerce
60 West Street, Annapolis, MD
June 20, 2011

Meeting notes

Attendance:

Members:

Buchheister, Bevin- Chesapeake Bay Commission
Connelly, Valerie- Maryland Farm Bureau
Dindinger, Jen – Choptank Tributary Team
Haywood, Carlton- Middle Potomac Tributary Team
Hoot, Lynne- Maryland Association of Soil Conservation Districts (MASCD)
Knapp, Les- Maryland Association of Counties (MACo)
Maloney, Katie - Maryland State Homebuilders Association
Matthews, Terry - State Water Quality Advisory Committee (SWQAC)
Ochsenhirt, Lisa -Maryland Association of Municipal Wastewater Agencies,
Inc.(MAMWA)/ Point Sources
Pippel, Julie -Upper Potomac Tributary Team
Rossetti, Rupert –Upper Western Shore Tributary Team

Alternates, Staff and Guests

Ballentine, Tom – MD Association of Industrial and Office Properties
Croghan, Moira – Sassafrass River Association (Alternate for Jamie Brunkow)
Decker, Carrie – DNR
Donegan, Claudia – DNR
George, Jim – MDE
Parham, Tom – DNR
Shanks, Catherine - DNR

Jim George opened the meeting with a discussion on septic systems. He asked members to describe their role in addressing the septic system load. Responses ranged from a role in getting systems upgraded to BAT within their watershed to representing homeowner and landowners with septic systems to working on legislation related to septic systems. Language in the Phase II WIP may be a placeholder in lieu of specific load reductions so that the political and legislative process can be taken into account considering the tight schedule. Jim asked the group to think through this issue and a workgroup was formed to develop options for consideration. The workgroup will include:
Moira Croghan, Bevin Bucheister, Valerie Connelly, Lynne Hoot, Les Knapp, Katie Maloney, Terry Matthews, Julie Pippel, Rupert Rossetti. Katie Maloney volunteered to help lead the group.

The questions asked and issues discussed included:

- How to incorporate septic system upgrades and sewer connections in the WIP and what credit should be given. Jim responded that 50% is a planning number for both but credit for connections would be determined on a case by case basis. Jen mentioned that the Corsica data is showing reductions less than 50%, although she acknowledged that monitoring locations may not be sited in the best way to

- capture the impact of septic system upgrades. She also emphasized the need to recognize the cost of not making the improvements
- Building industry negotiated amendments to the septic bill for all new constructions and all failing systems to require BAT. The requirement for failing systems, however, was not well received by the legislature and considered too costly.
 - What portion of septic reductions are expected to be from sewer connections? The estimate is provided in the Phase I WIP. Tetra Tech conducted the analysis and may be available to provide assistance to local jurisdictions that are interested in further analysis.
 - There was a request for the science and assumptions for the values of septic inputs and reductions given the location, soils, geology, etc. Jim emphasized that these are planning level numbers and local or site specific conditions may vary.
 - Home builders are considering contracting for new research on septic in relation to distance from streams, soil types, etc.
 - Bevin Buchheister recommended that additional controls for septic installed in fractured rock should not be ignored.
 - Les Knapp expressed the challenges of and concerns for additional fees to homeowners that may include stormwater utilities, septic fees etc.
 - Rupert Rosetti mentioned that local knowledge through local health Depts. should be utilized. Les Knapp volunteered to get the contacts for local health dept. officials. Many are already represented on local Teams.

Updates:

- Jim reported that Dennis King, University of Maryland, has been contracted to develop an economic and cost analysis of the WIP. This info will be used to inform the all stakeholders and the Federal regulatory and funding agencies regarding anticipated costs and funding needs.
- Federal and State Facilities –
 - WIP Federal Facilities Meeting is scheduled for June 21st from 9 to 12, at the Patuxent Wildlife Research Center. The focus of the meeting will be to prepare federal facilities managers to work with local teams and provide information regarding restoration actions that can be tracked.
 - The Governor's office will be sending an e-mail to other state agencies with land holdings to begin involving those agencies in the WIP development process.
 - MAST will have federal lands broken out from county numbers and land uses. How State lands are addressed has not yet been determined. Local teams have been given federal lands spreadsheets.
 - Several members commented that federal facility managers are participating on local teams but do not know what their role is or how they should be working with the teams. Participation on the teams can identify opportunity to work on creative solutions even though separate allocations will be provided to facilities. Solutions could include cost sharing on projects.
- Jim mentioned the June 13th webinar on MAST. The webinar link will be sent to the SAC members for distribution to their groups

- Jim discussed some finer consideration for adjustments to the schedule to include the State potentially providing a preliminary draft to EPA assure we can assemble an input deck that accurately compiles the local strategies. This would also require local drafts sooner to compile the State input to the model. Past experience indicates the need to send in draft input decks to make sure they will work.
- Dawn Stoltzfus at MDE is leading the communications workgroup. Questions and input regarding educating the public about the bay restoration and the WIP should be directed to her.

Tracking and Monitoring Presentation:

Tom Parham presented on the tracking and reporting approaches envisioned for the WIP and the monitoring currently underway. He presented the new and updated Eyes on the Bay website (<http://mddnr.chesapeakebay.net/eyesonthebay/index.cfm>) where anyone can see water quality progress. The reporting component will provide reports to a variety of users. Draft report formats will be circulated for review by the counties to make sure the information presented is useful to the different users. *(Presentation attached)*

Questions

Q. Will stormwater retrofit in non MS4 counties be captured? Will locals be expected to track those practices?

A. We will start with the existing process then identify gaps and try to address them. MD Dept of Planning tracks land use changes. Some BMPs can be reflected as part of the land use change. Locals are encouraged track these BMPs to get credit for actions. SAC could recommend a systematic approach to capture work completed and not tracked. All agreed this would help with improving confidence in the Bay model.

There were many additional questions regarding how tracking will occur with offsets and trading. Jim indicated that load reductions will be applied where the practice is implemented for modeling purposes. Where and how loads involved in offsets and trading will be credited for meeting jurisdictional load targets is still being worked out.

Feedback Discussion:

Carlton asked the Members to provide feedback on the progress of the WIP Teams or issues they would like relayed to the State agencies working on the WIP.

Rupert Rossetti:

The Teams seem to be waiting for next shoe to drop and County staff are waiting until MAST is available. Interest is waning in the interim.

Concern /question on how MAST will be populated. Concern is that only one person is going to be able to populate MAST for both the County and the municipalities which is a burden on that one individual. The understanding is that only one person from each team can be trained.

A positive development is that Municipalities and Counties have embraced the WIP process and assigned staff to develop information and participate.

Les Knapp

MACo agrees that counties are waiting for EPA data (the nutrient and sediment load targets) and will only proceed so far until the numbers are available because costing out any strategy depends on that data. There are frustrations with the uncertainty and potential for very high costs. There has been no discussion with how we will pay for implementation. Citizens are not engaged and do not understand what it is or what will be required regarding costs to or actions by individuals.

Jen Dindinger

Concern for tracking credits from offset generation, septic concerns expressed earlier and tracking credits for private implementation not under a permit.

Bevin Buchheister

She was reminded of AA Co presentation regarding cost but also emphasized need for having trained and available contractors to do the work as well as time required for getting permits approved to meet the timeline. There needs to be further emphasis on the staffing needed to accomplish the work.

Lynne Hoot

As a follow-up to her presentation at the last SAC meeting, Lynne assured SAC that the presentation was not intended as an attack on WWTPs. She acknowledged the work being done by the point source sector. There still is concern for the feasibility of implementing needed practices. Training, staffing and implementing practices in the time frame (to 2020) is not feasible. She reiterated comments in MASCD letter to the Governor the need to re-think doing everything by 2020.

Lisa Ochsenhirt

MAMWA also sent letter to Governor and is waiting for a response. The organization also is concerned about the 2020 deadline.

Terry Matthews

If the plans submitted are not acceptable to EPA, actions identified in the 2009 EPA "consequences" letter, may be imposed. This opens the potential for additional requirements on WWTPs.

General comments from several members

- Need to look at logistics regarding permitting, reporting and accounting for implementation.
- Objections that State plans for a one month interval between their receipt of target loads from the EPA and providing county level targets to the counties. The delay is too long.

Announcements:

- MD Farm Bureau is holding a symposium on Aug 16th focused on septics.

- MACo is meeting later that week and holding a WIP panel on August 19th

Next meeting :

Monday August 22nd 10 to 12. Location TBD

Joe Tassone and Jason Dubow were requested to be presenters and discuss offset policy and crediting questions. Joe is presenting to SWQAC on July 8 MDE in morning.

Around 10:30. Terry will distribute the agenda to the committee.